

21 FEB 2006

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Approved for use through 3/31/2007. OMB 0651-0021

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

20490.003

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

To be assigned

INTERNATIONAL APPLICATION NO.

PCT/EP2004/009364

INTERNATIONAL FILING DATE

20 August 2004

PRIORITY DATE CLAIMED

22 August 2003

TITLE OF INVENTION

Fusion Polypeptides, and Use Thereof in Antivascular Tumor Therapy

APPLICANT(S) FOR DO/EO/US

Wolfgang E. BERDEL and Rolf M. MESTERS

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US); however, a courtesy copy is attached.
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4) and a courtesy copy is enclosed.
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☒ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Second and Supplementary Notice Informing the Applicant of the Communication of the International Application (to Designated Offices which Apply the 30 Month Time Limit Under Article 22(11)), and Notification Concerning Submission or Transmittal of Priority Document

Page 2 of 2

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555 Twelfth Street, NW
Washington, DC 20004-1206

February 21, 2006

Mail Stop PCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. National Phase Application
Based on International Application No. PCT/EP2004/009364
International Filing Date: 20 August 2004
Appln. No.: To Be Assigned
Filed: Herewith
Title: Fusion Polypeptides, and Use Thereof in Antivascular Tumor Therapy
Applicants: Wolfgang E. BERDEL *et al.*
Atty. Docket: 20490.003

Sir:

The following documents are forwarded herewith for appropriate action by the Receiving Office of the U.S. Patent and Trademark Office (RO/US):

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)
Concerning a Filing Under 35 U.S.C. 371 (in duplicate);
2. an English translation of the Published International Application entitled:
Fusion Polypeptides, and Use Thereof in Antivascular Tumor Therapy
and naming as inventors:
Wolfgang E. BERDEL and Rolf M. MESTERS;
the application consisting of:
 - a. a specification containing:
 - (i) 31 pages of a description prior to the claims;
 - (ii) 3 pages of claims;

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Commissioner for Patents

Atty. Dkt.: 20490.003

Date February 21, 2006

Page 2

- (iii) a one page abstract;
- (iv) 22 pages of drawings (Figures 1-37);
- (v) 18 pages of a paper copy of the sequence listing;
- 3. a sequence listing in Computer Readable Form (CRF), on floppy diskette;
- 4. a Statement Regarding Sequence Submission;
- 5. a Preliminary Amendment;
- 6. a Substitute Specification (in the English language);
- 7. a copy of Published International Application (WO 2005/021593 A1);
- 8. a Marked-Up copy of the Specification;
- 9. a Substitute Sequence Listing;
- 10. a copy of Form PCT/IB/304 (Notification Concerning Submission or Transmittal of Priority Document);
- 11. a copy of Form PCT/IB/308 (Notice Informing the Applicant of the Communication of the International Application to the Designated Offices);
- 12. two (2) return postcards.

Applicants request that \$1,230.00 for the following fees be charged to Deposit Account No. 50-2387, referencing matter number 20490.003:

| | |
|-------------------|----------------------|
| <u>\$1,000.00</u> | basic filing fee |
| <u>\$ 100.00</u> | excess claims fee |
| <u>\$ 130.00</u> | late declaration fee |

Please stamp one of the two attached postcards with the filing date of these documents and return it to our courier, and stamp the other prepaid postcard with the filing date and unofficial application number and return it as soon as possible.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees, other than the above fees (\$1,230.00) are due in conjunction with this filing. However, if any additional fees are required in the present application, including any fees for extensions of

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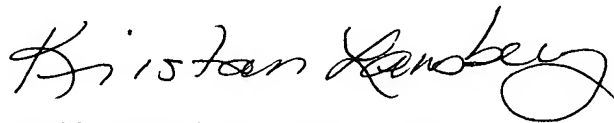
Atty. Dkt.: 20490.003

Date February 21, 2006

Page 3

time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing matter number 20490.003. A duplicate of this letter is enclosed.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)

Kristan L. Lansbery (Reg. No. 53,183)

Attachments